

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**SILVER BLACK,**

**Plaintiff,**

**v.**

**COMMUNITY EDUCATION CENTERS,  
INC., also known as  
“George W. Hill Correctional Facility” or  
“Delaware County Prison,”  
Defendant.**

**CIVIL ACTION**

**NO. 13-6102**

**ORDER**

**AND NOW**, this 4th day of March, 2014, upon consideration of Defendant Community Education Centers, Inc.’s Motion to Dismiss Plaintiff’s Complaint (Document No. 4, filed October 25, 2013), Plaintiff, Silver Black’s Response in Opposition to defendant, Community Education Centers, Inc.’s Rule 12(b)(6) Motion to Dismiss (Document No. 5, filed November 5, 2013), and Plaintiff, Silver Black’s Response in Opposition to defendant, Community Education Centers, Inc.’s Rule 12(f) Motion to Strike (Document No. 6, filed November 5, 2013), for the reasons set forth in the Memorandum dated March 4, 2014, **IT IS ORDERED** that Defendant Community Education Centers, Inc.’s Motion to Dismiss Plaintiff’s Complaint is **GRANTED IN PART AND DENIED IN PART**, as follows:

1. That part of defendant’s Motion to Dismiss which seeks dismissal of Counts I, II, III, V, VI, VII, VIII, and XII is **GRANTED** and Counts I, II, III, V, VI, VII, VIII, and XII of plaintiff’s Complaint are **DISMISSED WITH PREJUDICE**.

2. That part of defendant’s Motion to Dismiss which seeks dismissal of Counts IV and X is **GRANTED** and Counts IV and X of plaintiff’s Complaint are **DISMISSED WITHOUT PREJUDICE** to plaintiff’s right to file, within 20 days, an amended complaint if

warranted by the facts and applicable law.

3. That part of defendant's Motion to Dismiss which seeks dismissal of Count IX is **GRANTED** and Count IX of plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** to plaintiff's right to file an amended complaint if she is able to exhaust her administrative remedies with respect to this claim.

4. Defendant's Motion to Dismiss is **DENIED** in all other respects.

**IT IS FURTHER ORDERED** that defendant's Motion to Strike, included in defendant's Motion to Dismiss, is **GRANTED IN PART AND DENIED IN PART**, as follows:

1. That part of defendant's Motion to Strike which asks the Court to strike the following statements in plaintiff's Complaint is **GRANTED**: "That tormented officer ultimately killed his wife" in paragraph 38, and "his wife might well be alive today" in paragraph 40.

2. Defendants Motion to Strike is **DENIED** in all other respects.

**IT IS FURTHER ORDERED** that a preliminary pretrial conference will be scheduled in due course.

**BY THE COURT:**

/s/ Hon. Jan E. DuBois  
**DuBOIS, JAN E., J.**